



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,141	07/13/2004	Richard B. Mansfield Jr.	PIP114MANSPCTUS	5336
31518	7590	05/02/2008		
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			EXAMINER CARLSON, JEFFREY D	
			ART UNIT	PAPER NUMBER
			3622	
			NOTIFICATION DATE	DELIVERY MODE
			05/02/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

general@neifeld.com  
rneifeld@neifeld.com  
rhahl@neifeld.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/501,141	<b>Applicant(s)</b> MANSFIELD JR., RICHARD B.	
	<b>Examiner</b> Jeffrey D. Carlson	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/12/05, 8/1/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claims 10, 26, 35 are objected to because of the following informalities:
  - Claims 10, 35, “on” should be replaced by “or”.
  - Claim 26, “CD” should be replaced by “CID”.
2. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knegetendorf et al (US20030074272) in view of Abreu (20010056359).**

5. Regarding claims 1, 2, 4, 12, 51, Knegetendorf et al teaches an automated online system for matching recall specifications with registered consumers [abstract, 0054, 0072]. Knegetendorf et al does not teach that a consumer’s actual purchase history is used as part of the way to match users to new recalls. However, Abreu teaches that users are identified at the POS and product identifiers for each purchase are electronically tracked so that if a recall for that particular product is identified/created, the user can easily be associated with the recall and notified [0171]. It would have been

obvious to one of ordinary skill at the time of the invention to have identified and tracked which consumers purchase which products so that when a recall is needed, the consumers who have purchased the affected product may be easily notified.

6. Regarding claim 3, Knegendorf et al teaches that product recalls typically include replacement for a safer version of the product, or compensation. Both of these are taken to meet the broad “rebate” specification.

7. Regarding claim 5, Abreu teaches the use of UPC codes and it would have been obvious to one of ordinary skill at the time of the invention to have used UPC codes to identify particular products,

8. Regarding claim 6, 9, Knegendorf et al teaches that users may access the website in order to view recall notices targeted to them [0073, 0075, 0082]. The computer station that the consumer uses is taken to meet the broad language of a “kiosk”.

9. Regarding claims 7, 8, Knegendorf et al teaches sending pertinent recall notices to users via email. Abreu teaches delivery of information via many different and well known means such as postal mail [0218]. It would have been obvious to one of ordinary skill at the time of the invention to have sent notices via any well known communication channel including by postal mail.

10. Regarding claim 10, properly notifying a user about a recall and the requisite fulfillment is taken to include inclusion of a refund, rebate or incentive where that particular recall includes that type of fulfillment. Nonetheless, it would have been obvious to one of ordinary skill at the time of the invention to have for example included

with the recall notice a rebate for a replacement product, so that the user can properly replace the recalled product.

11. Regarding claims 11, 15, it would have been obvious to one of ordinary skill at the time of the invention to have provided the consumer with a form letter customized with his name, userID, etc as is well known. It is also well known to include barcodes with documents so that they may be processed effectively which would have been obvious with that of Knegendorf et al and Abreu so as to effectively track the recall and fulfillment.

12. Regarding claim 13, Knegendorf et al teaches that the system may be implemented with several servers [0039] and it would have been obvious to one of ordinary skill at the time of the invention to have a server dedicated to managing the matching recalls and a server dedicated to delivering the notices. Knegendorf et al also teaches that manufacturers can hire 3<sup>rd</sup> party fulfillment services [0006][ and it would have been obvious to one of ordinary skill at the time of the invention to have forwarded the collection of affected users (i.e. userIDs) to an entity capable of effectively carrying out the fulfillment.

13. Regarding claim 14, Knegendorf et al teaches that the “manufacturer” can be a retailer [0037], and therefore a system that notifies the manufacturer of users associated with its recall can be said to be a system that notifies a retailer.

14. Regarding claims 16, 21, it would have been obvious to one of ordinary skill at the time of the invention to have accounted for returns and costs of the recall as businesses are generally accountable for their financial reports as well as reports to

industry groups, government, taxation entities, etc. See ¶ 0032. It is only a matter of good business sense to keep track of a businesses financial records and product flow.

15. Regarding claims 17-19, 24, 25, 48, 49, it would have been obvious to one of ordinary skill at the time of the invention to have entered a userID into a computer upon fulfillment so that the user cannot again try to fraudulently get more free products. It would have been obvious to one of ordinary skill at the time of the invention to have enabled returns of products at the POS as this is a typical place where consumers return merchandise. Official Notice is taken that returning recalled products by mail is a well known means for requesting replacement and it would have been obvious to one of ordinary skill at the time of the invention to have sent and received products via registered mail so that the postal facility can track shipments for better recordkeeping.

16. Regarding claim 20, 21, Knegendorf et al teaches that it is known to calculate effectiveness of recalls [0006] and it would have been obvious to one of ordinary skill at the time of the invention to have do so with that of Knegendorf et al in view of Abreu. Further, it would have been obvious to one of ordinary skill at the time of the invention to have paid a 3<sup>rd</sup> party fulfillment service according to how many products they had to process as part of the recall project.

17. Regarding claims 22, 23, any notice sent to a consumer is taken to be “marketing”, even recall notices. Further however, Knegendorf et al teaches the value in the collected consumer information with such a system [0030, 0034]. It would have been obvious to one of ordinary skill at the time of the invention to have send marketing information to the consumers of Knegendorf et al so that such “new products” can be

Art Unit: 3622

marketing to those consumer interested in the types of products. Knegendorf et al also teaches keeping track of which notices a consumer sees and how often they re-visit those messages [0046]. It would have been obvious to one of ordinary skill at the time of the invention to have sent repeat recall notices to unfulfilled consumers , especially where the product defect is a serious or deadly one.

18. Claims 26-48 are treated in the same manner as claims 1-23.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/  
Primary Examiner, Art Unit 3622

Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622

jdc